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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/018,006	03/28/2002	Alexander Pilger	1454.1124	7148
21171	7590	02/22/2006	EXAMINER	
STAAS & HALSEY LLP SUITE 700 1201 NEW YORK AVENUE, N.W. WASHINGTON, DC 20005			AVELLINO, JOSEPH E	
			ART UNIT	PAPER NUMBER
			2143	

DATE MAILED: 02/22/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

10/018,006

Applicant(s)

PILGER ET AL.

Examiner

Joseph E. Avellino

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 19 January 2006.
- 2a) ☐ This action is FINAL. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 7-17 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 7-17 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☒ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date _____.
- 4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date _____.
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: _____.

DETAILED ACTION

1. Claims 7-17 are presented for examination; claim 7 independent. The Office acknowledges the addition of claims 16 and 17.

Claim Rejections - 35 USC § 102

2. The text of those sections of Title 35, U.S. Code not included in this action can be found in a prior Office action.

Claims 7-14, 16-17 are rejected under 35 U.S.C. 102(e) as being anticipated by Ellington, Jr. et al. (USPN 6,175,569) (hereinafter Ellington).

3. Referring to claim 7, Ellington discloses a communication system utilizing a network (Figure 1), comprising:

a first computer (i.e. originating LAN station) connected (the Office takes the term "connected" to mean logically connected, such as a computer behind a firewall in a LAN, since it is still able to connect to other computers on the ATM network, it is considered connected to the network) to the network 10 (Figure 1) including an access unit (i.e. LAN Adapter 112) used to determine predetermined QoS features for interaction with the network (i.e. based on the priority subfield used, mapping the priority value to a traffic class) (e.g. abstract; col. 5, lines 57-60; col. 8, lines 15-25); and

a second computer (i.e. LAN/ATM interface 12) connected to the network 10 (Figure 1), to administer to the QoS features of the access unit (i.e. set up VC to route packet to the appropriate destination) (col. 6, line 66 to col. 7, line 12).

4. Referring to claim 8, Ellington discloses the network is the Internet (the Internet is a connection of interconnected networks able to allow various LAN's to communicate with one another, such functionality is found in the ATM network 10 since it connects the different LAN networks 18,24 (Figure 1) together (Figure 1, ref. 10).

5. Referring to claim 9, Ellington discloses the access unit is an autonomous device (i.e. the access interface is a device which can operate without the need of any client) (col. 5, lines 57-60; Figure 1, col. 4, lines 45-62).

6. Referring to claim 10, Ellington discloses the access unit is a plug-in device for the first computer (the Office takes the term "plug-in device" to be broadly construed as "a device which can be physically or logically connected to a computer" such as the LAN interface device can be connected to the first computer via the LAN 18 (col. 5, lines 57-60; Figure 1, col. 4, lines 45-62).

7. Referring to claim 11, Ellington discloses the access unit is a processor of the first computer programmed to determine predetermined QoS features for interaction with the network (i.e. since the interface device acts on behalf of the first computer, it

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can be considered that the interface access device processor is a processor of the first computer since without the interface, the first computer would be unable to access the ATM network (col. 5, lines 57-60).

8. Referring to claim 12 and 13, it is inherent that the second computer of Ellington (i.e. LAN/ATM Interface Device 12, Figure 1) is assigned to an Internet service provider since it provides service to the LAN 18 since without being assigned as a service provider, the device 12 would not be able to provide service to the LAN.

9. Referring to claim 14, Ellington discloses the QoS features are called up dynamically in the access unit (the Office takes the term "called up" as created) (col. 5, lines 56-67).

10. Referring to claim 16, Ellington discloses the access unit is an integral component in the first computer and is incapable of operation without additional components (i.e. the LAN adapter 112 requires the use of the LAN station 104) (Figure 8).

11. Referring to claim 17, Ellington discloses the first computer is a user computer (i.e. LAN station (Figure 8).

Claim Rejections - 35 USC § 103

12. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claim 15 is rejected under 35 U.S.C. 103(a) as being unpatentable over Ellington.

13. Ellington discloses the invention substantively as described in claim 7. Ellington does not explicitly state converting between a first and second protocol in the access unit, however it is well known that a data bus (located within the LAN terminal) is of a different protocol than one on a multicomputer network, which, as one of ordinary skill in the art would know, is why a LAN adapter is necessary to a computer on a network (i.e. computers generally utilize the PCI protocol to communicate between components of a computer on a PCI bus; the LAN adapter would have the ability to convert the PCI protocol into the Token Ring protocol as used in the LAN). It would have been obvious to one of ordinary skill in the art to modify the teaching of Ellington in order to allow standard units to be utilized by the LAN terminals in order to connect to the local area network, thereby reducing cost and complexity of the system.

Response to Arguments

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14. Applicant's arguments, dated January 19, 2006 have been fully considered but are not persuasive.

15. Applicant argues, in substance, that (1) Ellington does not disclose a first computer connected to a network including an access unit which determines a QoS for interaction with the network, and a second computer connected to the network to administer the QoS features of the access unit, and (2) no conversion from a first to a second protocol is effected in the access unit.

16. As to point (1) Applicants attention is directed to col. 8, lines 9-41. Applicant can appreciate that the LAN adapter 112 for the terminal 104 determines particular connection characteristics through the use of the frame priority subfield in the Token Ring frame (col. 6, lines 15-20). The frame generating logic writes the frame priority values into the subfield, which the LAN adapter includes the priority mapping logic 116. This frame when received at the LAN/ATM interface would respond to such a frame by initiating setup of ATM VC's for the mapped QoS using the appropriate parameters (Figure 6, ref. 90). Therefore, the LAN adapter for the terminal is the access point for the first computer and the second computer is the LAN/ATM interface which administers the QoS by setting up the VC's for the particular packet class.

17. As to point (2) Applicant can appreciate that internal to a LAN terminal, a different protocol is used than on a network. The LAN adapter 112 inherently must convert this

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bus data internal to the LAN terminal into data which can be understood by the token ring network LAN. By this rationale, the rejection is maintained.

Conclusion

18. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

19. Applicant employs broad language, which includes the use of word, and phrases, which have broad meanings in the art. In addition, Applicant has not argued any narrower interpretation of the claim language, nor amended the claims significantly enough to construe a narrower meaning to the limitations. As the claims breadth allows multiple interpretations and meanings, which are broader than Applicant's disclosure, the Examiner is forced to interpret the claim limitations as broadly and as reasonably possible, in determining patentability of the disclosed invention. Although the claims are interpreted in light of the specification, limitations from the specification are not read into the claims. See *In re Van Geuns*, 988 F.2d 1181, 26 USPQ2d 1057 (Fed. Cir.1993). Failure for Applicant to significantly narrow definition/scope of the claims and supply arguments commensurate in scope with the claims implies the Applicant intends broad interpretation be given to the claims. The Examiner has interpreted the claims with scope parallel to the Applicant in the response, and reiterates the need for the Applicant to more clearly and distinctly, define the claimed invention.

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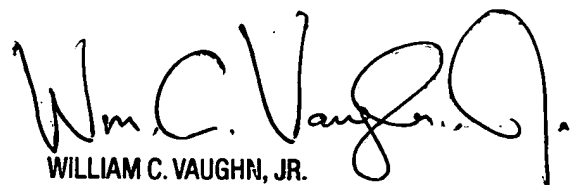
Any inquiry concerning this communication or earlier communications from the examiner should be directed to Joseph E. Avellino whose telephone number is (571) 272-3905. The examiner can normally be reached on Monday-Friday 7:00-4:00.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, David A. Wiley can be reached on (571) 272-3923. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).


JEA

February 13, 2006


WILLIAM C. VAUGHN, JR.
PRIMARY EXAMINER